

A Neutral

As of: November 30, 2021 12:04 AM Z

Gorton v. Air & Liquid Sys. Corp.

United States District Court for the Middle District of Pennsylvania

July 21, 2020, Decided; July 21, 2020, Filed

Civ. Action No. 1:17-1110

Reporter

2020 U.S. Dist. LEXIS 129606 *; 2020 WL 4193649

RHONDA J. GORTON, Personal Representative for the Estate of THOMAS D. GORTON, II, and in her own right, Plaintiff, v. Air & Liquid Systems Corporation As Successor-by-Merger to Buffalo Pumps, et al., Defendants.

Prior History: *Gorton v. Air & Liquid Sys. Corp., 303 F. Supp. 3d 278, 2018 U.S. Dist. LEXIS 44152 (M.D. Pa., Mar. 19, 2018)*

Core Terms

exposure, reliability, expert testimony, mesothelioma, defendants', regularity, proximity

Counsel: [*1] For Thomas D. Gorton, II, Plaintiff: Jason B. Duncan, LEAD ATTORNEY, Law Offices of Peter Angelos, P.C., Harrisburg, PA; Lamont G McClure, LEAD ATTORNEY, Law Office of Peter G. Angelos, PC, Bethlehem, PA; Dennis F. Wolford, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For Rhonda J. Gorton, Plaintiff: Jason B. Duncan, LEAD ATTORNEY, Law Offices of Peter Angelos, P.C., Harrisburg, PA; Lamont G McClure, LEAD ATTORNEY, Law Office of Peter G. Angelos, PC, Bethlehem, PA.

For Thomas D. Gorton, II, Rhonda J. Gorton, Plaintiffs: Jason B. Duncan, Law Offices of Peter Angelos, P.C., Harrisburg, PA.

For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.

For Aurora Pump Company, Defendant, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Defendant, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger [*2] to CBS Corporation, a Pennsylvania Corporation, formerly known as Viacom, Inc., formerly known as Westinghouse Electric Corporation, General Electric Company, Defendants: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Centre Square, West Tower, Philadelphia, PA.

For Cooper Industries, Individually and as Successor-in-Interest to Crouse Hinds Co., Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Crane Company, Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell

LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For Fairmont Supply Company, formerly known as Montfair Industrial Supplies Company, formerly known as Fairmont Machinery Company, Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For Gardner Denver, Inc., Marshall Dennehey Warner Coleman & Goggin, Defendant: Joan P. Depfer.

For Goulds Pumps, Inc., Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Defendant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For GTE Products [*3] of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For HB Fuller Company, formerly known as Amchem Products, Inc., formerly known as Benjamin Foster, Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Defendant: Peter J Neeson, LEAD ATTORNEY, Scott F. Griffith, Rawle & Henderson, LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Ingersoll-Rand Company, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Joan P. Depfer,

Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Defendant: Tiffany J Giangulio, LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, [*4] Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, also known as MCIC, Defendant: Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For Reunion Industries, Inc., formerly known as Alliance Machines, LitchField Cavo LLP, Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider Electric, formerly known as Square D Company, Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For RSCC Wire & Cable, Inc., agent of The Rockbestos Company, agent of The Rockbestos Wire & Cable Company, agent of Rockbestos-Suprenant Corp., Defendant: Joan P. Depfer, Tiffany J Giangulio, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Rhonda J. Gorton, Amicus: Jason B. Duncan, Law Offices of Peter Angelos, P.C., [*5] Harrisburg, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Claimant, Cross Defendant: John Patrick McShea, III, LEAD

ATTORNEY, McShea Law Firm, PC, Centre Square, West Tower, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA..

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA..

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA.

For HB Fuller Company, Cross Defendant, Cross Claimant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie [*6] and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEY, Swartz Campbell LLC, Philadelphia, PA.

For Fairmont Supply Company, GTE Products of

Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendants: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Dennis F. Wolford, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA; Kathryn L. Johnston, LEAD ATTORNEY, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For Honeywell International, Inc., Successor to Allied Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant: [*7] Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Ingersoll-Rand Company, Terex Corporation, Individually and as Parent Company of American Crane and Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation,

Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEY, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Christina M. Rideout, [*8] Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Jennifer A McGarrity, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

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For Ingersoll-Rand Company, Terex Corporation, Individually and as Parent Company of American Crane and Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RSCC Wire & Cable, Inc., The Kerite Company, A division of the Marmon Group, LLC, Cross Defendants: Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, [*10] Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Aurora Pump Company, Cross Defendant: James

P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: [*11] Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant, Cross Claimant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RS SCC Wire & Cable, Inc., Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

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For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of American Crane and Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Ingersoll-Rand Company, Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, [*12] LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin,

O'Neil, Cedrone & Disipio, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, [*13] Tosh, Wolford & Douglass, PC, Beaver, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For Nevada Bell Telephone Company, c/o The Corporation Trust Company of Nevada, Cross Defendant: John A. Turlik, Segal, McCambridge, Singer & Mahoney, Ltd., Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, [*14] Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA; Scott F. Griffith, Rawle & Henderson LLP, Philadelphia, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Joan P. Depfer, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA; Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Counterclaim Defendant: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For General Electric Company, Cross Claimant: John Patrick McShea, III, McShea Law Firm, PC, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For General Electric Company, Cross Defendant: John Patrick McShea, III, McShea Law Firm, PC, Philadelphia, PA.

For Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Ingersoll-Rand Company, Terex Corporation, Individually and as Parent Company of American Crane and Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel [*15] J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Claimant: Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, Cross Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James

P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, General Electric Company, Cross Defendants: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Crane Company, Cross Defendant, Cross Claimant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, [*16] Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Cross Defendant, Cross Claimant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA Scott F. Griffith, Rawle & Henderson LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: [*17] Thomas P Hanna, LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, [*18] PA.

For Aurora Pump Company, Cross Defendant, Cross Claimant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC,

Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, West Tower, Philadelphia, PA; Conrad O. Kattner, McShea Tecce, P.C., Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For Eaton Corporation, As Successor-in-Interest to Cutler-Hammer, Inc., Cross Defendant: Joan P. Depfer, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, [*19] Paul, Flandreau & Berger, LLP, Media, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For General Electric Company, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, West Tower, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

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For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant, Cross Claimant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of, American Crane and as Parent Company of, Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Ingersoll-Rand Company, [*20] Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

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For Reunion Industries, Inc., Cross Defendant: Sean R.

Riley, Litchfield Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Kerite Company, A [*21] division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

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For GTE Products of Connecticut Corporation, As Successor-in-Interest [*22] to Clark Control, Inc., Cross Defendant, Cross Claimant: Edward T Finch, LEAD

ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

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For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

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For Ingersoll-Rand Company, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, [*23] PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley,

LEAD ATTORNEYS, Dinsmore & Shohl LLP,
Pittsburgh, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, Litchfield Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Cross Defendant: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Aurora [*24] Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY,

Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Joan P. Depfer, Tiffany J Giangiulio, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of American Crane and as Parent [*25] Company of Lorain Crane, Cross Claimant: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Ingersoll-Rand Company, Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA, Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, PRO HAC VICE, Barnard Mezzanotte Pinnie and Seelaus [*26] LLP, Media, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For General Electric Company, Cross Defendant: John Patrick McShea, III, McShea Law Firm, PC, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA; Scott F. Griffith, Rawle & Henderson LLP, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Mobil Corporation, [*27] Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RSCC Wire & Cable, Inc., Cross Defendant, Cross Claimant: Joan P. Depfer, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA; Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Cooper Industries, Individually and as Successor-in-Interest to Crouse Hinds Co., Cross Claimant, Cross Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, [*28] A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Claimant, Cross Defendant: Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Aurora Pump Company, Cross [*29] Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Cooper Industries, Individually and as Successor-in-Interest to Crouse Hinds Co., Cross Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For General Electric Company, Cross Defendant: John Patrick McShea, III, McShea Law Firm, PC, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA; Scott F. Griffith, Rawle & Henderson LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent

Company of an/or Successor [*30] to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Ingersoll-Rand Company, Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Kerite Company, A division of the [*31] Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Joan P. Depfer Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy

LLC, Philadelphia, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Joan P. Depfer, Tiffany J Giangulio, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, Cross Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, [*32] PC, Philadelphia, PA; Conrad O. Kattner, McShea Tecce, P.C., Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For The Kerite Company, A division of the Marmon Group, LLC, RSCC Wire & Cable, Inc., Cross Defendants: Tiffany J Giangulio, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Zurn Industries, LLC, Ingersoll-Rand Company,

Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For Cooper Industries, Individually and as Successor-in-Interest [*33] to Crouse Hinds Co., Cross Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, LEAD ATTORNEY, Swartz Campbell LLC, Philadelphia, PA; Lauren E Burke, LEAD ATTORNEY, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For Georgia-Pacific, LLC, Cross Defendant: Kevin J O'Brien, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Philadelphia, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc. Successor to, Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Rawle & Henderson, LLP, Philadelphia, PA; Scott F. Griffith,

- Rawle & Henderson LLP, Philadelphia, PA.
- For IMO Industries, Inc., Individually and as Parent Company of an/or Successor [*34] to DeLaval Pump & Steam Turbine Co., Cross Defendant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.
- For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Two Liberty Place, Philadelphia, PA.
- For Metropolitan Life Insurance Company, Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA; Ronald L. Daugherty, Salmon Ricchezza Singer & Turchi LLP, Philadelphia, PA.
- For Schneider Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Two Liberty Place, Philadelphia, PA.
- For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Claimant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA; Conrad O. Kattner, McShea Tecce, P.C., Philadelphia, PA.
- For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, [*35] Cross Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.
- For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel
- Bradley Anderson & Tardy LLC, Philadelphia, PA.
- For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA; Conrad O. Kattner, McShea Tecce, P.C., Philadelphia, PA.
- For Foseco, Inc., Industrial Holdings Corporation, Cross Defendants: Carolyn A. Williams, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA; Walter S. Jenkins, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.
- For General Electric Company, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.
- For Union Carbide Corporation, Bayer Cropscience, LP, As Successor-in-interest to Amchem Products, Inc., Cross Defendants: Catherine N Jasons, Kelley Jasons McGowan Spinelli Hanna & Reber LLP, Philadelphia, PA; [*36] Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.
- For Universal Refractories, A Division of Thiem Corporation, Cross Defendant: John J. Dugan, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, NJ.
- For Columbus McKinnon Corporation, Cross Defendant: Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA; William F. Kiniry, Jr., DLA Piper LLP (US), Philadelphia, PA.
- For Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, LEAD ATTORNEY, Dinsmore & Shohl LLP, Pittsburgh, PA; David J. Singley, LEAD ATTORNEY, Dinsmore & Shohl LLP, Pittsburgh, PA.
- Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley

Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Foster-Wheeler Corporation, Cross Defendant: Leah A Lewis, Reilly Janiczek McDevitt Henrich & Cholden, PC, Philadelphia, PA; Leroy J Janiczek, Lewis Brisbois Bisgaard & Smith LLP, Wayne, PA.

For J.H. France Refractories Company, Cross Defendant: Damian S Jackson, LEAD ATTORNEY, Reilly, McDevitt & Henrich, PC, Philadelphia, [*37] PA; Vincent F. Reilly, LEAD ATTORNEY, Reilly, Janiczek, McDevitt, Henrich & Cholden, P.C., Merchantville, NJ; Leah A Lewis, Susan M Valinis, Reilly Janiczek McDevitt Henrich & Cholden, PC, Philadelphia, PA; Leroy J Janiczek, Lewis Brisbois Bisgaard & Smith LLP, Wayne, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For RSCC Wire & Cable, Inc., Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEYS, Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of, American Crane and as Parent Company of, Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Ingersoll-Rand Company, Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Joan P. Depfer, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, Cross Defendant: Tiffany J Giangiulio, LEAD ATTORNEY, Joan P. Depfer, Marshall,

Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For Union [*38] Carbide Corporation, Cross Defendant: Catherine N Jasons, Kelley Jasons McGowan Spinelli Hanna & Reber LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine Co., Cross Defendant, Cross Claimant: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, Cross Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA; Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Eaton Corporation, As Successor-in-Interest to Cutler-Hammer, Inc., Cross Defendant: Joan P. Depfer, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Foseco, Inc., Industrial Holdings Corporation, Cross Defendants: Carolyn A. Williams, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA; Walter S. Jenkins, LEAD ATTORNEY, Maron Marvel [*39] Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Foster-Wheeler Corporation, Cross Defendant: Leah A Lewis, Reilly Janiczek McDevitt Henrich & Cholden, PC, Philadelphia, PA; Leroy J Janiczek, Lewis Brisbois Bisgaard & Smith LLP, Wayne, PA.

For GTE Products of Connecticut Corporation, As

Successor-in-Interest to Clark Control, Inc., Cross Defendant: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For General Electric Company, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, West Tower, Philadelphia, PA.

For Georgia-Pacific, LLC, Cross Defendant: Kevin J O'Brien, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Kathryn L. Johnston, LEAD ATTORNEYS, Dennis F. Wolford, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendant: Peter J Neeson, LEAD ATTORNEY, Scott F. Griffith, Rawle & Henderson, LLP, Philadelphia, PA.

For Metropolitan Life Insurance Company, [*40] Inc., Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For Universal Refractories, A Division of Thiem Corporation, Cross Defendant: John J. Dugan, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, NJ.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For Columbus McKinnon Corporation, Cross Defendant: Jennifer A McGarrity, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA; William F. Kiniry, Jr., DLA Piper LLP (US), Philadelphia, PA.

For Cooper Industries, Individually and as Successor-in-

Interest to Crouse Hinds Co., Cross Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Crane Company, Cross Defendant: G. Daniel Bruch, Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For Aurora Pump Company, Cross Defendant: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Mobil Corporation, [*41] Parent of Mobil Oil Corporation, Cross Defendant: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, Cross Defendant: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, West Tower, Philadelphia, PA; Conrad O. Kattner, McShea Tecce, P.C., Philadelphia, PA.

For Corhart Refractories Co., Cross Defendant: Thomas J. Johanson, Philadelphia, PA.

For Goulds Pumps, Inc., Cross Defendant: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For J.H. France Refractories Company, J.H. France Refractories Company, Cross Defendants: Damian S Jackson, LEAD ATTORNEY, Reilly, McDevitt & Henrich, PC, Philadelphia, PA; Vincent F. Reilly, LEAD ATTORNEY, Reilly, Janiczek, McDevitt, Henrich & Cholden, P.C., The Kevon Office Center, Merchantville, NJ; Leroy J Janiczek, Lewis Brisbois Bisgaard & Smith LLP, Wayne, PA; Leah A Lewis, Susan M Valinis, Reilly Janiczek

McDevitt Henrich & Cholden, PC, Philadelphia, PA.

For McCormick Asbestos Company, McCormick Asbestos Company, Cross Defendants: Thomas P Hanna, [*42] LEAD ATTORNEY, PRO HAC VICE, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Metropolitan Life Insurance Company, Inc., Metropolitan Life Insurance Company, Inc., Cross Defendants: Stewart R. Singer, LEAD ATTORNEY, Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For Mobil Corporation, Parent of Mobil Oil Corporation, Mobil Corporation, Parent of Mobil Oil Corporation, Cross Defendants: C. James Zeszutek, David J. Singley, LEAD ATTORNEYS, Dinsmore & Shohl LLP, Pittsburgh, PA.

For RSCC Wire & Cable, Inc., Cooper Industries, Individually and as Successor-in-Interest to Crouse Hinds Co., RSCC Wire & Cable, Inc., The Kerite Company, A division of the Marmon Group, LLC, Cross Defendants: Joan P. Depfer, Tiffany J Giangulio, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Terex Corporation, Individually and as Parent Company of American Crane and as [*43] Parent Company of Lorain Crane, Terex Corporation, Individually and as Parent Company of American Crane and Lorain Crane, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Ingersoll-Rand Company, Terex Corporation, Individually and as Parent Company of American Crane and as Parent Company of Lorain Crane, Ingersoll-Rand Company, Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall,

Dennehey, Warner, Coleman & Goggin, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For The Kerite Company, A division of the Marmon Group, LLC, The Kerite Company, A division of the Marmon Group, LLC, Cross Defendants: Tiffany J Giangulio, LEAD ATTORNEY, Philadelphia, PA; Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

For Union Carbide Corporation, Bayer Cropscience, LP, As Successor-in-interest to Amchem Products, Inc., Union Carbide Corporation, Union Carbide Corporation, Cross Defendants: Catherine N Jasons, Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For A.O. Smith Corporation, Cross Defendant: Eric J Kadish, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, [*44] PA.

For Air & Liquid Systems Corporation, As Successor-by-Merger to Buffalo Pumps, Cross Defendant: John A. Fitzpatrick, Wilbraham, Lawler & Buba, Philadelphia, PA.

For Aurora Pump Company, Aurora Pump Company, Cross Defendants: James P. Hadden, LEAD ATTORNEY, Maron, Marvel, Bradley Anderson & Tardy LLC, Three Logan Square, Philadelphia, PA.

For Borgwarner Morse TEC, Cross Defendant: A. Kai Seelaus, Barnard Mezzanotte Pinnie and Seelaus LLP, Media, PA.

For CBS Corporation, A Delaware Corporation, Successor-by-Merger to CBS Corporation, a Pennsylvania Corporation, General Electric Company, Cross Defendants: John Patrick McShea, III, LEAD ATTORNEY, McShea Law Firm, PC, Philadelphia, PA.

For Cleaver Brooks, Inc., Cross Defendant: Leah A Lewis, Susan M Valinis, Reilly Janiczek McDevitt

Henrich & Cholden, PC, Philadelphia, PA.

For Columbus McKinnon Corporation, Cross Defendant: Jennifer A McGarrity, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA; William F. Kiniry, Jr., DLA Piper LLP (US), Philadelphia, PA.

For Corhart Refractories Co., Corhart Refractories Co., Cross Defendants: Thomas J. Johanson, Philadelphia, PA.

For Crane Company, Crane Company, Cross Defendants: G. Daniel Bruch, [*45] Lauren E Burke, LEAD ATTORNEYS, Swartz Campbell LLC, Philadelphia, PA; Peter L. Lejeune, Swartz Campbell, LLC, Philadelphia, PA.

For Fairmont Supply Company, Cross Defendant: Edward R. Paul, LEAD ATTORNEY, Paul, Flandreau & Berger, LLP, Media, PA.

For Foseco, Inc., Industrial Holdings Corporation, Foseco, Inc., Industrial Holdings Corporation, Foseco, Inc., Cross Defendants: Carolyn A. Williams, Walter S. Jenkins, LEAD ATTORNEYS, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For Foster-Wheeler Corporation, Cross Defendant: Leah A Lewis, Reilly Janiczek McDevitt Henrich & Cholden, PC, Philadelphia, PA; Leroy J Janiczek, Lewis Brisbois Bisgaard & Smith LLP, Wayne, PA.

For GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., GTE Products of Connecticut Corporation, As Successor-in-Interest to Clark Control, Inc., Cross Defendants: Edward T Finch, LEAD ATTORNEY, Lavin, O'Neil, Cedrone & Disipio, Philadelphia, PA.

For Georgia-Pacific, LLC, Cross Defendant: Kevin J O'Brien, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Philadelphia, PA.

For [*46] Rhonda J. Gorton, Cross Defendant: Jason B. Duncan, Law Offices of Peter Angelos, P.C., Harrisburg, PA.

For Thomas D. Gorton, II, Cross Defendant: Jason B. Duncan, Law Offices of Peter Angelos, P.C., Harrisburg, PA; Lamont G McClure, LEAD ATTORNEY, Law Office of Peter G. Angelos, PC, Bethlehem, PA; Dennis F. Wolford, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For Goulds Pumps, Inc., Goulds Pumps, Inc., Cross Defendants: Nathan J Andrisani, Morgan, Lewis & Bockius LLP, Philadelphia, PA.

For Greene, Tweed & Company, Inc., Cross Defendant: Dennis F. Wolford, Kathryn L. Johnston, LEAD ATTORNEYS, Reed, Tosh, Wolford & Douglass, PC, Beaver, PA.

For HB Fuller Company, Cross Defendant: George S. Bobnak, Burns White LLC, Philadelphia, PA.

For Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Honeywell International, Inc., Successor to Allied-Signal, Inc., Successor to Bendix Corporation, Cross Defendants: Peter J Neeson, LEAD ATTORNEY, Scott F. Griffith, Rawle & Henderson, LLP, Philadelphia, PA.

For IMO Industries, Inc., Individually and as Parent [*47] Company of an/or Successor to DeLaval Pump & Steam Turbine Co., IMO Industries, Inc., Individually and as Parent Company of an/or Successor to DeLaval Pump & Steam Turbine, Co., Cross Defendants: Joseph I. Fontak, LEAD ATTORNEY, Leader & Berkon LLP, Philadelphia, PA.

For Ingersoll-Rand Company, Zurn Industries, LLC, Subsidiary of U.S. Industries, Inc., Cross Defendants: Daniel J. Ryan, Jr., LEAD ATTORNEY, Marshall,

Dennehey, Warner, Coleman & Goggin, Philadelphia, PA.

For J.H. France Refractories Company, Cross Defendant: Damian S Jackson, LEAD ATTORNEY, Reilly, McDevitt & Henrich, PC, Philadelphia, PA; Vincent F. Reilly, LEAD ATTORNEY, Reilly, Janiczek, McDevitt, Henrich & Cholden, P.C., Merchantville, NJ.

For Keeler/Dorr-Oliver Boiler Company, Cross Defendant: Lina M. Carreras, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA; Walter S. Jenkins, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Philadelphia, PA.

For McCormick Asbestos Company, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA.

For Reunion Industries, Inc., Cross Defendant: Sean R. Riley, LitchField Cavo LLP.

For Schneider [*48] Electric, Cross Defendant: W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGuire Spinelli & Hanna, LLP, Philadelphia, PA; Christina M. Rideout, Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For The Okonite Company, Cross Defendant: G. Daniel Bruch, LEAD ATTORNEY, Swartz Campbell LLC, Philadelphia, PA.

For Universal Refractories, A Division of Thiem Corporation, Universal Refractories, A Division of Thiem Corporation, Cross Defendants: John J. Dugan, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, NJ.

For McCormick Asbestos Company, Cross Claimant, Cross Defendant: Thomas P Hanna, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Philadelphia, PA; Christina M. Rideout,

Kelley Jasons McGowan Spinelli & Hanna, L.L.P., Philadelphia, PA.

For Cooper Industries, Individually and as Successor-in-Interest to Crouse Hinds Co., Cross Defendant: Joan P. Depfer, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA.

Judges: Joy Flowers Conti, Senior United States District Judge.

Opinion by: Joy Flowers Conti

Opinion

MEMORANDUM OPINION

Decedent Thomas Gorton ("decedent"), the husband of plaintiff Rhonda J. Gorton ("plaintiff"), developed mesothelioma, allegedly due to his occupational [*49] exposure to defendants' asbestos-containing products. Plaintiff brought this lawsuit on behalf of her deceased husband's estate and in her own right. Pending before the court is the Motion to Exclude the Expert Testimony of Plaintiff's Experts Richard Kradin, M.D. and Howard M. Kipen, M.D., MPH (ECF No. 407) filed by defendant Eaton Corporation, as successor-in-interest to Cutler-Hammer ("Eaton"), and the motions filed by defendants Schneider Electric USA, Inc. (ECF No. 412) and Aurora Pump Company (ECF No. 411) to join Eaton's motion to exclude.¹ The court granted those motions to join. The

¹ Defendant Ingersoll-Rand Corporation filed a similar motion to exclude expert testimony (ECF No. 409), which defendants Schneider Electric and Aurora Pump Company also moved to join (ECF Nos. 411 and 412.) As set forth on the record at the *Daubert* hearing held on July 2, 2020, this case has been administratively closed with respect to Ingersoll-Rand Corporation. The court denied Ingersoll-Rand Corporation's

court held a two-day *Daubert* hearing to address defendants' arguments, which began on July 2, 2020 and concluded on July 9, 2020.

Defendants argue that the expert opinions submitted by Dr. Kradin ("Kradin") and Dr. Kipen ("Kipen") are inadmissible under [Federal Rule of Evidence 702](#) and [Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 \(1993\)](#), because plaintiff's experts did not use a reliable method and did not rely on any medical or scientific authority showing that defendants' specific products had the capacity to or did in fact cause decedent's mesothelioma. (ECF No. 408 at 7-10.) Defendants specifically argue that plaintiff's experts rely on a theory that "each and every [*50] breath" of asbestos is substantially causative of mesothelioma, and that testimony is impermissible under Pennsylvania law, which the parties agree is applicable to the claims at issue. (ECF No. 408 at 10-14.) Defendants rely on the Pennsylvania Supreme Court's decision in [Rost v. Ford Motor Co., 637 Pa. 625, 151 A.3d 1032 \(Pa. 2016\)](#), which held that "expert testimony based upon the notion that 'each and every breath' of asbestos is substantially causative of mesothelioma will not suffice to create a jury question on the issue of substantial factor causation." [Rost, 151 A.3d at 1044](#) (citing [Betz v. Pneumo Abex LLC, 615 Pa. 504, 44 A.3d 27 \(Pa. 2012\)](#)). Under Pennsylvania law, "to create a jury question, a plaintiff must adduce evidence that exposure to defendant's asbestos-containing product was sufficiently 'frequent, regular, and proximate' to support a jury's finding that defendant's product was substantially causative of the disease." [Rost, 151 A.3d at 1044](#) (applying the test adopted in [Tragarz v. Keene Corp., 980 F.2d 411 \(7th Cir. 1992\)](#)). Defendants assert

that the testimony of Kradin and Kipen would be excluded under Pennsylvania's "frequency, regularity, and proximity" test, and does not satisfy either the reliability or fit requirement under [Rule 702](#).

Under *Daubert*, "the district court acts as a gatekeeper, preventing opinion testimony that does not meet the requirements of qualification, reliability [*51] and fit from reaching the jury." [Schneider ex rel. Estate of Schneider v. Fried, 320 F.3d 396, 404 \(3d Cir. 2003\)](#).

a. Qualifications

There was no dispute about the qualifications of Dr. Kradin or Dr. Kipen.

b. Reliability

To evaluate reliability under [Rule 702](#), the Third Circuit Court of Appeals has enumerated the following eight factors that a district court may examine: (1) whether a method consists of a testable hypothesis; (2) whether the method has been subjected to peer review; (3) the known or potential rate of error; (4) the existence and maintenance of standards controlling the technique's operation; (5) whether the method is generally accepted; (6) the relationship of the technique to methods which have been established to be reliable; (7) the qualifications of the expert witness testifying based on the methodology; and (8) the non-judicial uses to which the method has been put. [In re Paoli R.R. Yard PCB Litigation \(Paoli II\), 35 F.3d 717, 742 n.8 \(3d Cir. 1994\)](#). This list of factors is a "convenient starting point," but is "neither exhaustive nor applicable in every case." [Kannankeril v. Terminix Int'l, Inc., 128 F.3d 802, 806-07 \(3d Cir. 1997\)](#). "The evidentiary requirement of reliability is lower than the merits standard of correctness." [Paoli II, 35 F.3d at 744](#). "As long as an expert's scientific testimony rests upon 'good grounds, based on what is

motion without prejudice and denied without prejudice the motions to join filed by Schneider Electric and Aurora Pump Company with respect to Ingersoll-Rand Corporation's motion.

known,' it should be tested by the adversary process—competing expert testimony and active [*52] cross-examination—rather than excluded from jurors' scrutiny for fear that they will not grasp its complexities or satisfactorily weigh its inadequacies." [United States v. Mitchell, 365 F.3d 215, 244 \(3d. Cir. 2004\)](#).

With respect to defendants' reliability argument, the court concluded that the experts did not rely on the impermissible 'each and every breath' theory; rather, they based their opinions on the cumulative theory of exposure, also referred to as the "each and every exposure" theory, which has been found reliable by numerous Pennsylvania and federal courts. [See Rost, 151 A.3d at 1045](#) (holding that expert testimony was reliable because it relied on the "irrefutable scientific fact' that every exposure cumulatively contributes to the total dose (which in turn increases the likelihood of disease)"); [see also Rabovsky v. Air & Liquid Systems Corp., Civ. Action No. 10-cv-03202, 2012 U.S. Dist. LEXIS 9169, 2012 WL 252919, at *4 \(E.D. Pa. Jan. 25, 2012\)](#); [Anderson v. Saberhagen Holdings, Inc., Civ Action No. 10-cv-61118, 2011 U.S. Dist. LEXIS 15870, 2011 WL 605801, at *6 \(E.D. Pa. Feb. 16, 2011\)](#).

Dr. Kradin and Dr. Kipen did not testify that a single exposure or single breath of asbestos was a substantial cause of the decedent's mesothelioma, but that each exposure to asbestos, above background levels, cumulatively contributed to the decedent's development of the disease. As more fully set forth on the record, [*53] this court determined that the cumulative theory of exposure is reliable based upon both the experts' testimony and the weight of authority.

c. Fit

The [Rule 702](#) requirement that testimony "will help the trier of fact to understand the evidence or to determine a fact in issue" is referred to as the "fit" requirement.

[Schneider, 320 F.3d at 404](#). Fit requires that there be a "connection between the scientific research or test result to be presented and particular disputed factual issues in the case." [In re Paoli R.R. Yard PCB Litigation \(Paoli II\), 35 F.3d 717, 742 n.8 \(3d Cir. 1994\)](#). With respect to defendants' fit argument that Pennsylvania's "frequency, regularity, and proximity" test precludes the testimony of Dr. Kradin and Dr. Kipen, the court noted that the experts reviewed, among other things, a transcript of testimony by the decedent concerning his exposure to Eaton's product, as well as other products, and an exposure summary prepared by plaintiff's counsel. Any factual dispute about whether the plaintiff could establish exposure to specific products in issue, as described in the decedent's testimony or the exposure summary, and whether that exposure, if shown, was sufficient to meet the "frequency, regularity, and proximity" test is to be decided by the trier of fact. For the reasons set forth [*54] more fully on the record at the *Daubert* hearing, the arguments raised by defendants go to the weight of the evidence, and defendants will be able to cross examine the experts and introduce evidence to contest the weight of their opinions. The court concluded that there is sufficient connection between the opinions of Dr. Kradin and Dr. Kipen and the disputed factual issues in this case to satisfy the [Rule 702](#) fit requirement.

For the foregoing reasons and as more fully set forth on the record, the motion to exclude expert testimony is DENIED. This ruling is without prejudice for a defendant - in order to assert that there is no genuine dispute of material fact - to raise in a summary judgement motion or at trial an issue concerning the insufficiency of plaintiff's evidence about the frequency, regularity, and proximity of the decedent's exposure to a particular product.

An appropriate order will follow.

July 21, 2020

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge

ORDER

AND NOW, this 21st day of July, 2020, for the reasons set forth in the foregoing memorandum opinion and more fully set forth on the record at the *Daubert* hearing, the Motion to Exclude [*55] the Expert Testimony of Plaintiff's Experts Richard Kradin, M.D. and Howard M. Kipen, M.D., MPH (ECF No. 407) filed by defendant Eaton Corporation, as successor-in-interest to Cutler-Hammer, and joined by defendants Schneider Electric USA, Inc. (ECF No. 412) and Aurora Pump Company (ECF No. 411) is hereby **DENIED**.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge

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